

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**DEFENDANTS' MOTION TO SEAL MEDICAL RECORDS AND CRIME REPORTS  
PRODUCED IN RESPONSE TO PLAINTIFF'S REQUEST FOR DISCOVERY**

For the reasons stated herein, Defendants, by and through their counsel, respectfully request that this Honorable Court grant their Motion to Seal Medical Records and Crime Reports Produced in Response to Plaintiff's Request for Discovery in the above-captioned case. In support of their request, Defendants state as follows:

- 1) This matter involves an allegation by Plaintiff that Defendants violated the 4<sup>th</sup> Amendment in that he was subject to excessive force.
- 2) In response to Plaintiff's request for discovery and this Court's Order of December 12, 2007, Defendants are providing to Plaintiff criminal reports related to his arrest and medical documents in our possession.
- 3) To preserve the confidentiality of these documents and Plaintiff's privacy, Defendants ask this Court to enter an Order sealing said documents.

4) Though there is a presumption against sealing documents filed in support of case dispositive pre-trial motions, the Third Circuit has confirmed that such a presumption does not apply when a provision of a Delaware law recognizes a “particularized need” for secrecy. *See Leucadia*,

*Inc. v. Applied Extrusion Technologies, Inc.*, 998 F.2d 157, 164-5 (3d Cir. 1993). Given that the documents contain medical information and criminal history information, Defendants believe that it would be appropriate to seal such documents.

WHEREFORE, Defendants respectfully request that this Court enter an Order sealing the documents in produced in response to Plaintiff's request for discovery.

**CITY OF WILMINGTON LAW DEPARTMENT**

/s/ Rosamaria Tassone  
Rosamaria Tassone (DE BAR ID. NO. 3546)  
City of Wilmington Law Department  
800 N. French Street, 9<sup>th</sup> Floor  
Wilmington, DE 19801  
(302) 576-2175  
Attorney for Defendants

Dated: January 14, 2008

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

## ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2008, upon consideration of Defendants' Motion to Seal Medical Records and Crime Reports Produced in Response to Plaintiff's Request for Discovery it is hereby ORDERED and DECREED that the documents produced to Plaintiff in connection with his request for discovery are sealed and shielded from public dissemination except to the parties involved in this matter and necessary court staff.

BY THE COURT:

J.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ROBERT D. BROWN, )  
v. )  
Plaintiff, )  
v. ) C.A. No. 07-23 (SLR)  
WILMINGTON POLICE OFFICER RINEHART, ) JURY OF 12 DEMANDED  
WILMINGTON POLICE OFFICER DRYSDALE, )  
Defendants. )

**CERTIFICATE OF SERVICE**

I, Rosamaria Tassone, Esquire, hereby certify that on this 14<sup>th</sup> day of January, 2008, I electronically filed Defendants' Motion to Seal Medical Records and Crime Reports Produced in Response to Plaintiff's Request for Discovery with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following and that these documents are available for viewing and downloading from CM/ECF. A copy of the document was mailed to the following individual:

Robert D. Brown  
Inmate Number 231393  
Howard R. Young Correctional Institution  
P.O. Box 9561  
Wilmington, DE 19809

/s/ Rosamaria Tassone

Rosamaria Tassone (I.D. #3546)  
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